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CIA Enabling Legislation

Although the "immediate problem" was solved by the passage of the National Security Act of 1947, enabling legislation for CIA was still needed. Discussions during the unification hearings and the debate on the floor of Congress on the unification bill had dealt with the need for detailed legislation for CIA. The following discussion occurred before the House Armed Services Committee:

(Friday, 25 April 1947)³⁰

SECRETARY FORRESTAL: While it is not specified in this bill . . . the intent is, should this bill become law, to implement specifically, by statute, that part of it that deals with the reference to the Central Intelligence Authority.

³⁰ Hearing on H. R. 2319 Before House Committee on Expenditures in the Executive Departments, 80th Cong., 1st Sess. 126 (1947).

41

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(Friday, 2 May 1947)³¹

MR. BROWN: How do you fit together your statement that you should define by statute the duties and responsibilities, and the provision in the bill for this Central Intelligence Agency which provides that the Agency shall have the functions and the powers as outlined in Executive Orders issued by the President. . . .

ADMIRAL SHERMAN: Well, I would like to explain the background of the drafting in this regard, sir. In preparing this draft we first considered trying to do in this bill an adequate job on the functions and authority and responsibilities of the Central Intelligence Agency. We found that that would be a rather extensive piece of legislation in itself. Therefore, the attempt was made here to show only how that agency, as a unit, would fall into the over-all structure, and it was our advice that referring to this specific temporary directive would suffice as a stopgap until the complete organic law pertaining to the Central Intelligence Agency could be introduced and considered separately from this measure.

MR. BROWN: Do you know whether it is the thought, the sense, or the purpose of the Secretary of War, the Secretary of the Navy, or the President of the United States, or anyone else in authority to submit to the Congress for the consideration definite detailed legislation to control the activity of this Central Intelligence Agency any time in the near future?

ADMIRAL SHERMAN: I know it is the intent of the Secretary of the Navy, who is a member of the temporary National Intelligence Authority, that that shall be done, and I heard General Vandenberg inform the Senate committee in hearings on this bill that that legislation was in preparation.

MR. BROWN: Do you not think it is better for this committee to have that proposed legislation before it passes on this to know what can and should be done?

ADMIRAL SHERMAN: I think that would be desirable, sir, but my own feeling is that the importance of this legislation in

³¹ Id. at 170 - 173.

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itself is sufficient not to hold it until all the details of the functioning of the Central Intelligence Agency are settled.

MR. HARNESS: Well, did you have anything to do with the drafting of this bill, Admiral?

ADMIRAL SHERMAN: Yes, Sir; I had a great deal to do with it, and I may say that it was not the Central Intelligence Group which wanted to defer their legislation until a later time; it was General Norstad and I who were charged with preparing a draft for this bill. We felt that if we attempted to get all the duties of the Central Intelligence Agency in here, then there would be a demand to put all the duties of the Navy, all the duties of each agency in, in great detail, and we would wind up with a very bulky volume.

On the floor of Congress Mr. McCormack pointed out that:

We felt, since enabling legislation was going to come in later from another standing committee of the House . . . the question that would arise in connection with this Central Intelligence Agency, should be left to the standing committee, and that our committee should try to meet the immediate problem.